

11-80

3 AN ORDINANCE amending General Ordinance
4 No. G-97 by authorizing the vacation of
a portion of Pennsylvania Street, and amending
General Ordinance No. G-03-80

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. Petition for the vacation of a certain
8 street having been filed with the Fort Wayne City Plan Com-
9 mission in accordance with Section 44, Chapter 174, of the
10 Acts of the General Assembly of the State of Indiana, as
11 amended by Section 3, Chapter 385, of the Acts of 1963 of
12 the General Assembly of the State of Indiana (I.C. 18-7-5-46),
13 the Thoroughfare Plan as set forth in General Ordinance No. G-97
14 adopted by the Common Council of the City of Fort Wayne on
15 November 26, 1963, is amended by deleting the following street,
16 to-wit:

17 Part of the Northwest Quarter of Section 8,
18 Township 30 North, Range 13 East, Allen County,
Indiana, more particularly described as follows,
to-wit:

19 Commencing at the point of intersection of
20 the North line of the right-of-way of the
Wabash Railroad with the West line of said
21 Northwest Quarter; thence East, on and along
said North line, being situated 44.0 feet North
22 of and parallel to the centerline of the North
main tracks, a distance of 1174.4 feet; thence
23 Northerly, by a deflection angle left of 90°-14'
on and along a line established by survey monu-
24 ments found, a distance of 318.21 feet to a
point on the Southerly right-of-way line of
25 Pennsylvania Street, said point being the true
point of beginning; thence continuing Northerly,
26 on the last described course, a distance of 50.78
feet to a point on the Northerly right-of-way
27 line of said Pennsylvania Street, thence North-
westerly, by a deflection angle left of 79°-57'-30",
28 on and along said Northerly right-of-way line,
a distance of 385.08 feet; thence Southerly, by
29 a deflection angle left of 100°-00'-30", a dis-
tance of 50.77 feet to a point on the Southerly
30 right-of-way line of said Pennsylvania Street;
thence Southeasterly, by a deflection angle left
31 of 79°-59'-30", on and along said Southerly right-
of-way line, a distance of 385.12 feet to the
32 true point of beginning.

33 SECTION 2. General Ordinance No. G-03-80 passed by the
34 Common Council of the City of Fort Wayne, Indiana, on
35 February 12, 1980, and signed by the Mayor of Fort Wayne on


1
2
3 February 19, 1980, and thereafter legally published, is hereby
4 amended and this General Ordinance No. G- 11-80 shall
5 stand in its stead due to an error in the legal description
6 contained in General Ordinance G-03-80.

7 SECTION 3. After passage of this Ordinance, approval
8 by the Mayor and legal publication, a duly certified copy
9 of this Ordinance, of the recommendation of the Fort Wayne
10 City Plan Commission, and of the action of the Mayor, shall be
11 transmitted by the City Clerk to the Board of Public Works
12 of the City of Fort Wayne, Indiana.

13 SECTION 4. That this Ordinance shall be in full
14 force and effect from and after its passage, approval by the
15 Mayor and legal publication thereof.
16
17
18
19
20

21 _____
Councilman

22 Approved as to form and
23 legality

24 
25 John H. Logan, Council Attorney
26
27
28
29
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31
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33
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35

Read the first time in full and on motion by E. Oster, seconded by Delmar, and duly adopted, read the second time by title and referred to the Committee Delmar (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock, _____ M., E.S.T.

DATE: 6/24/80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by E. Oster, seconded by Delmar, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 7-8-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING-MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-11-80 on the 8th day of July, 19 80.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Timothy A. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 9th day of July, 19 80, at the hour of 4 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. G-80-06-25

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending General Ordinance No. G-97 by authorizing
the vacation of a portion of Pennsylvania Street and amending
General Ordinance No. G-03-80

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

Ben Eisbart
John Nuckols
James S. Stier
Samuel J. Talarico
Donald J. Schmidt

7-8-80
DATE CONCURRED IN
 CHARLES W. WESTERMAN, CITY CLERK

69-81-12 6/25/80

RESOLUTION NO. 69-81-12

WHEREAS, CLARK VALENTINE, TRUST OFFICER FORT WAYNE NATIONAL BANK, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of a portion of a street situated in Fort Wayne, Allen County, to-wit:

Part of the Northwest Quarter, Section 8,
Township 30 North, Range 13 East, Allen County,
Indiana, in particular described as follows,
to-wit:

Commencing at the point of intersection of the West line of said Northwest Quarter with the North right-of-way line of Wabash Railroad (now the Norfolk and Western); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of 89 degrees -56', a distance of 318.2 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of 79 degrees -49', on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwesterly, by a deflection angle left of 100 degrees -47', a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79 degrees -13', on and along said Southerly right-of-way line, a distance of 384.83 feet to the true point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a portion of a public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

WHEREAS, it has been determined by the Fort Wayne City Plan Commission that said legal description as set forth above and as contained in the various documents relative to the street vacation proceeding contains an error in the legal description; and

WHEREAS, the correct legal description for the street situated in Fort Wayne, Allen County, is to-wit:

Part of the Northwest Quarter of Section 8,
Township 30 North, Range 13 East, Allen County,
Indiana, more particularly described as follows,
to-wit:

Commencing at the point of intersection of the North line of the right-of-way of the Wabash Railroad with the West line of said Northwest Quarter; thence East, on and along said North line, being situated 44.0 feet North of and parallel to the centerline of the North main tracks, a distance of 1174.4 feet; thence Northerly, by a deflection angle left of 90°-14', on and along a line established by survey monuments found, a distance of 318.21 feet to a point on the Southerly right-of-way line of Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly, on the last described course, a distance of 50.78 feet to a point on the Northerly right-of-way line of said Pennsylvania Street, thence Northwesterly, by a deflection angle left of 79°-57'-30", on and along said Northerly right-of-way line, a distance of 385.08 feet; thence Southerly, by a deflection angle left of 100°-00'-30", a distance of 50.77 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79°-59'-30", on and along said Southerly right-of-way line, a distance of 385.12 feet to the true point of beginning.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of a public street hereinbefore described in the last paragraph conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of a public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held June 25, 1980 and as same appears of record in the official records of said Board of Works.

DATED THIS 25th DAY OF June, 1980.

FORT WAYNE BOARD OF PUBLIC WORKS

Mark L. Akers, Chairman

Roberta Anderson Staten, Member

Herbert R. Gamache, Member

ATTEST:

Sandra E. Kennedy, Clerk

R E S O L U T I O N

WHEREAS, CLARK VALENTINE, TRUST OFFICER FORT WAYNE NATIONAL BANK, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of a portion of a street situated in Fort Wayne, Allen County, to-wit:

Part of the Northwest Quarter, Section 8,
Township 30 North, Range 13 East, Allen County,
Indiana, in particular described as follows,
to-wit:

Commencing at the point of intersection of the West line of said Northwest Quarter with the North right-of-way line of Wabash Railroad (now the Norfolk and Western); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of 89 degrees -56', a distance of 318.2 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of 79 degrees -49', on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwesterly, by a deflection angle left of 100 degrees -47', a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79 degrees -13', on and along said Southerly right-of-way line, a distance of 384.3 feet to the true point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 18, 1979 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

WHEREAS, it has been determined by the Fort Wayne City Plan Commission that said legal description as set forth above and as contained in the various documents relative to the street vacation proceeding contains an error in the legal description; and

WHEREAS, the correct legal description for the street situated in Fort Wayne, Allen County, is to-wit:

Part of the Northwest Quarter of Section 8,
Township 30 North, Range 13 East, Allen County,
Indiana, more particularly described as follows,
to-wit:

Commencing at the point of intersection of the North line of the right-of-way of the Wabash Railroad with the West line of said Northwest Quarter; thence East, on and along said North line, being situated 44.0 feet North of and parallel to the centerline of the North main tracks, a distance of 1174.4 feet; thence Northerly, by a deflection angle left of 90°-14', on and along a line established by survey monuments found, a distance of 318.21 feet to a point on the Southerly right-of-way line of Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly, on the last described course, a distance of 50.78 feet to a point on the Northerly right-of-way line of said Pennsylvania Street, thence Northwesterly, by a deflection angle left of 79°-57'-30", on and along said Northerly right-of-way line, a distance of 385.08 feet; thence Southerly, by a deflection angle left of 100°-00'-30", a distance of 50.77 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79°-59'-30", on and along said Southerly right-of-way line, a distance of 385.12 feet to the true point of beginning.

WHEREAS, the Common Council of the City of Fort Wayne passed General Ordinance G-03-80 on February 12, 1980, providing for the vacation of the street as first described in this resolution; and,

WHEREAS, it has been determined by the Fort Wayne City Plan Commission that said legal description as first described herein is erroneous; and,

WHEREAS, it appears that no additional parties would be effected by the vacation of the street as correctly described herein.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street as hereinbefore correctly described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore correctly described be and the same hereby is approved.

BE IT FURTHER RESOLVED that all public utility departments have filed written consents to said former vacation proceeding.

BE IT FURTHER RESOLVED that said public utilities need not file additional written consents to said vacation.

BE IT FURTHER RESOLVED that the petitioner shall grant to the City of Fort Wayne, Water Pollution Control Engineering, an easement.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Joyce Schlatter, Secretary of the
Fort Wayne City Plan Commission, do hereby certify that attached
is a full, true and correct copy of a resolution adopted by the
Fort Wayne City Plan Commission following a public hearing of said
Commission held June 23, 1980, and as the same
appears of record in the official records of said Plan Commission.

DATED THIS 24th day of June, 1980.

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter

Secretary

LAW OFFICES

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG
GEORGE E. FRUECHTENICHT
THOMAS D. LOGAN
PHILLIP E. GUTMAN
JOHN H. HEINEY
VERN E. SHELTON
DONALD M. AIKMAN

MARTIN T. FLETCHER
DAVID A. TRAVELSTEAD
RICHARD D. ROBINSON
THOMAS M. GALLMEYER
RICHARD E. FOX
RICHARD H. BLAICH
F.L. DENNIS LOGAN

AREA CODE 219
TELEPHONE 422-9454

INDIANA BANK BUILDING
FORT WAYNE, INDIANA
46802

THOMAS A. GALLMEYER
OF COUNSEL

June 23, 1980

Mr. George Martin
Attorney for City Plan Commission
13th Floor, Lincoln Bank Tower
Fort Wayne, Indiana 46802

Re: Third Amended Petition to Vacate a Portion of Pennsylvania
Street; Subject of General Ordinance G-03-80; Passed by
Common Council on February 12, 1980, and Signed by the
Mayor of Fort Wayne on February 19, 1980

Dear Mr. Martin:

Enclosed herewith please find the following documents re-
garding the referenced matter:

1. Third Amended Petition to Vacate a Portion of Pennsylvania
Street for filing with the City Plan Commission.
2. Copy of the Easement Grant from Fort Wayne National
Bank to the City of Fort Wayne (Water Pollution Con-
trol Engineering) utilizing the new legal description.
3. Resolution of City Plan Commission for your review
and possible use.
4. Resolution of Fort Wayne Board of Public Works for
your review and possible tender to said Board.
5. Copy of proposed amending General Ordinance.

It is our present intention to present the amended petition
to City Plan on June 23, 1980, and if everything is in order,
present the matter to Common Council on June 24, 1980. Hopefully,
an amending ordinance would then be promulgated at the June 24,
1980, Common Council meeting.

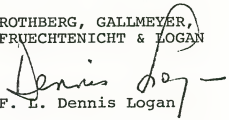
ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

Mr. George Martin
June 23, 1980
Page Two

If you have any questions concerning any of the enclosed documents, please feel free to call. Thank you for your attention to and cooperation with this matter.

Very truly yours,

ROTHBERG, GALLMEYER,
FRUECHTENICHT & LOGAN


F. L. Dennis Logan

FLDL:rmb

Enclosures

THE CITY OF FORT WAYNE PLAN COMMISSION

THIRD AMENDED PETITION TO VACATE
A PORTION OF PENNSYLVANIA STREET

1. Petitioner holds fee simple absolute title to three (3) parcels of land in the County of Allen, Township of Adams, Indiana, by virtue of a deed from Grahame Somerville executed on October 19, 1973, and recorded on October 26, 1973 as Document Number 73-26690, in the Office of the Allen County, Indiana Recorder, said parcels of real estate being legally described as follows, to-wit:

Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 947.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line 386.4 feet; thence South-easterly by a deflection right of 100 degrees, 42 minutes 232.4 feet; thence South to the North line of the right-of-way of the said Wabash Railroad, at a point situated 1174.4 feet East of the West line of said Quarter Section; thence West on the said right-of-way line, 226.9 feet to the point of beginning, containing 1.90 acres of land.

Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 722.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line 429.0 feet; thence South-easterly by a deflection angle of 100 degrees 42 minutes, 229.0 feet; thence South and parallel to the West line of said Quarter Section 386.2 feet, to the North right-of-way line of said Wabash Railroad; thence West on the said right-of-way line, 225.0 feet to the point of beginning, containing 2.10 acres of land.

ALSO

Part of the Northwest 1/4, Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to wit:

Commencing at a point within said 1/4 Section, situated 797.5 feet East of the West line of said 1/4 Section, and 414.8 feet North of the North right-of-way line of the Wabash Railroad; thence North and parallel to the West line of said 1/4 Section, 432.7 feet to the center line of the right-of-way of State Road No. 365; thence Southeasterly on the said State Road center line, on a 56-minute curve left, a distance of 390.0 feet to a point situated 1176.5 feet East of the West line of said 1/4 Section; thence South by a deflection to the right of the tangent to said curved center line at the point aforesaid, of 75 degrees, 16 minutes, a distance of 405.2 feet to a point situated 343.6 feet North of the North line of the right-of-way of the said Wabash Railroad; thence Northwesterly 385.1 feet to the point of beginning, containing 3.64 acres of land.

2. That lying between the above-described parcels is an easement for street purposes (Pennsylvania Street), as shown on the survey of Jerry K. Walker, Registered Land Surveyor, bearing Survey Number AB-169 "D" dated May 27, 1980, which is attached hereto and made a part hereof as Exhibit "A".

3. That the survey referred to in Paragraph 2 herein is intended to be a substitute for the survey of Zohrab K. Tazian,, bearing Survey Number AB-169 dated June 14, 1971 and revised on February 19, 1979, which was attached to and made a part of the Second Amended Petition to Vacate a Portion of Pennsylvania Street. The reason for said substitution is that the old survey contains an erroneous legal description.

4. That your Petitioner desires to sell the above-described parcels of real estate to which it presently has legal title to Gordons Transports, Inc., but said real property is encumbered by the easement for street purposes (Pennsylvania Street).

5. That part of the agreement between Petitioner and Gordons Transports, Inc. is that Petitioner shall vacate that portion of Pennsylvania Street as legally described as follows, to-wit:

Part of the Northwest Quarter of Section 8,
Township 30 North, Range 13 East, Allen County,
Indiana, more particularly described as follows,
to-wit:

Commencing at the point of intersection of the North line of the right-of-way of the Wabash Railroad with the West line of said Northwest Quarter; thence East, on and along said North line, being situated 44.0 feet North of and parallel to the centerline of the North main tracks, a distance of 1174.4 feet; thence Northerly, by a deflection angle left of $90^{\circ}-14'$, on and along a line established by survey monuments found, a distance of 318.21 feet to a point on the Southerly right-of-way line of Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly, on the last described course, a distance of 50.78 feet to a point on the Northerly right-of-way line of said Pennsylvania Street, thence Northwesterly, by a deflection angle left of $79^{\circ}-57'-30''$, on and along said Northerly right-of-way line, a distance of 385.08 feet; thence Southerly, by a deflection angle left of $100^{\circ}-00'-30''$, a distance of 50.77 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of $79^{\circ}-59'-30''$, on and along said Southerly right-of-way line, a distance of 385.12 feet to the true point of beginning.

6. That said portion of Pennsylvania Street sought to be vacated is not necessary as ingress or egress to other properties whatsoever.

7. That said portion of Pennsylvania Street sought to be vacated is unopen and unimproved.

8. That no other person, firm, or corporation is interested in or affected by the requested vacation.

9. That the maintenance of said portion of Pennsylvania Street sought to be vacated is not necessary or advantageous to the growth of the City of Fort Wayne and not in the best interest of the City or citizens thereof.

10. That your Petitioner files this petition pursuant to the authority granted in Indiana Code, §18-7-5-46, in order to complete the vacation as above described.

11. That previously in conjunction with the prior petition, your Petitioner executed an Easement Grant in favor of the City of Fort Wayne (Water Pollution Control Board); that said Easement Grant

has been re-executed incorporating the proper legal description as set forth in this petition.

12. That your Petitioner files this Third Amended Petition so as to correct the erroneous legal description contained in the survey in the Second Amended Petition to Vacate, which ultimately led to the passage of General Ordinance G-03-80 on February 12, 1980, which said ordinance was signed into law by the Mayor of the City of Fort Wayne on February 19, 1980, all of which contained an erroneous legal description.

FORT WAYNE NATIONAL BANK

By: 

Clark Valentine, Trust Officer

ROTHBERG, GALLMEYER,
FRUECHTENICHT & LOGAN
By: F. L. Dennis Logan
Mezzanine Floor
Indiana Bank Building
Fort Wayne, Indiana 46802
Telephone: 219/422-9454

ZOHRAB K. TAZIAN, PE & LS
 president
 JERRY K. WALKER, PE & LS
 vice-president

zk tazian

ASSOCIATES INC.
 710 S. BARR ST.
 FT. WAYNE, IN 46802
 219-743-0003
 219-422-6393

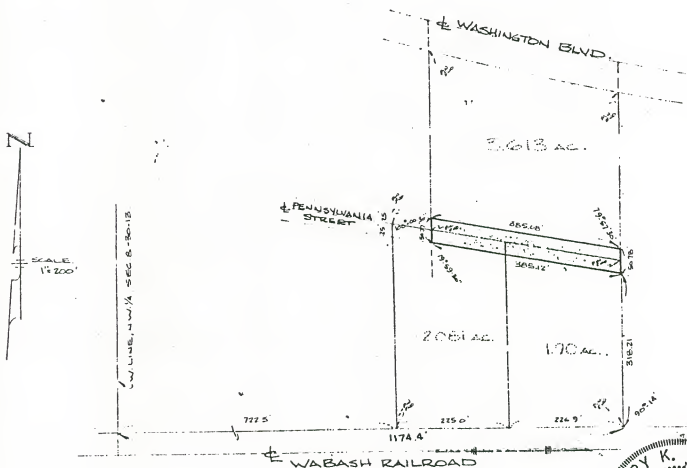
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

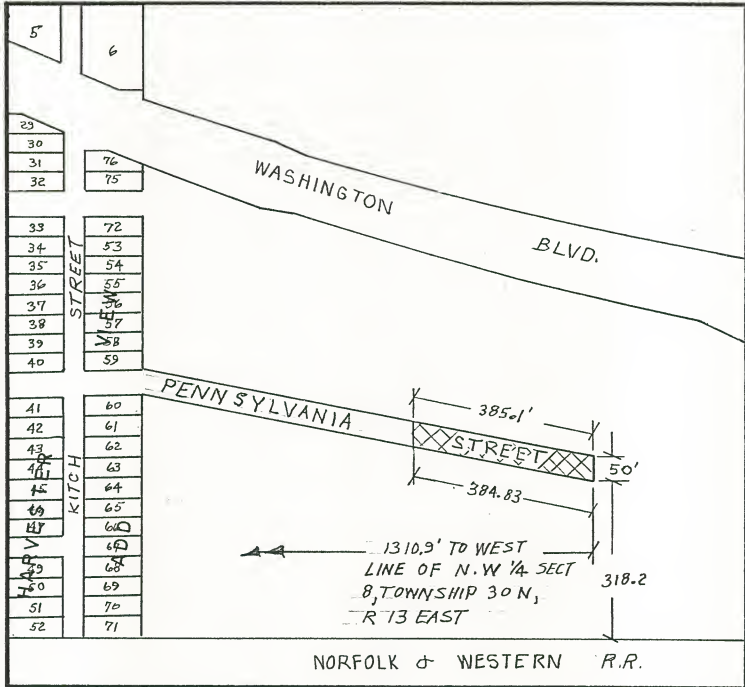
Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the point of intersection of the North line of the right-of-way of the Wabash Railroad with the West line of said Northwest Quarter; thence East, on and along said North line, being situated 44.0 feet North of and parallel to the centerline of the North main tracks, a distance of 1174.4 feet; thence Northerly, by a deflection angle left of $90^{\circ}-14'$, on and along a line established by survey monuments found, a distance of 318.21 feet to a point on the Southerly right-of-way line of Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly, on the last described course, a distance of 50.78 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwesterly, by a deflection angle left of $79^{\circ}-57'-30''$, on and along said Northerly right-of-way line, a distance of 385.08 feet; thence Southerly, by a deflection angle left of $100^{\circ}-00'-30''$, a distance of 50.77 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of $79^{\circ}-59'-30''$, on and along said Southerly right-of-way line, a distance of 385.12 feet to the true point of beginning.



I hereby certify on the 27th day of May 1980 that the above survey is correct.
 Surveyed for: Gordon's Transports
 Survey No.: AB-169 "D"





STREET TO BE VACATED

6-79-05-12



PREPARED BY R. K. / MAP No. R2 / 2-1-79

GRANT OF EASEMENT

THIS INDENTURE WITNESSETH THAT: FORT WAYNE NATIONAL BANK, TRUSTEE, of Allen County, State of Indiana, hereinafter referred to as "GRANTOR", for and in consideration of One Dollar, receipt of which is hereby acknowledged, does hereby grant, quit-claim, and convey to the CITY OF FORT WAYNE, hereinafter referred to as "GRANTEE", a permanent easement and right-of-way to construct, operate, control, maintain, reconstruct and remove a sewer line, along and across the following described property, located in Allen County, State of Indiana, to-wit:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the point of intersection of the North line of the right-of-way of the Wabash Railroad with the West line of said Northwest Quarter; thence East, on and along said North line, being situated 44.0 feet North of and parallel to the centerline of the North main tracks, a distance of 1174.4 feet; thence Northerly, by a deflection angle left of 90°-14', on and along a line established by survey monuments found, a distance of 318.21 feet to a point on the Southerly right-of-way line of Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly, on the last described course, a distance of 50.78 feet to a point on the Northerly right-of-way line of said Pennsylvania Street, thence Northwesterly, by a deflection angle left of 79°-57'-30", on and along said Northerly right-of-way line, a distance of 385.08 feet; thence Southerly, by a deflection angle left of 100°-00'-30", a distance of 50.77 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of 79°-59'-30", on and along said Southerly right-of-way line, a distance of 385.12 feet to the true point of beginning.

Grantor certifies under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

EXECUTED THIS 23 day of June, 1980.

FORT WAYNE NATIONAL BANK

By: Clark Valentine
Clark Valentine, Trust Officer

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Clark Valentine who acknowledged the execution of the foregoing Grant of Easement, as and for voluntary act and deed, for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 23 day of June, 1980.

Judith A. Williams
JUDITH A. WILLIAMS Notary Public
A resident of Allen County

My commission expires:

Oct. 4, 1981

This Instrument prepared by: Philip R. Boller, P.E.



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -- room 122

July 11, 1980

Ms. Virginia Grace
Fort Wayen Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of
July 15 and July 22, 1980, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. Z-80-02-08
Zoning Map Ordinance No. Z-20-80

Bill No. G-80-06-25
General Ordinance No. G-11-80

Please send us eight (8) copies of the Publisher's Affidavit
from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-08 -- Zoning Map Ordinance No. Z-20-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-15 & J-19

Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-06-25 -- General Ordinance No. G-11-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Pennsylvania Street and amending General Ordinance No. G-03-80

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-80-02-08 -- Zoning Map Ordinance No. Z-20-80 --- Bill No. G-80-06-25 -- General Ordinance No. G-11-80, were passed by the Common Council on the 8th day of July, 1980, said Ordinance were signed and approved by the Mayor on the 9th day of July, 1980, and now remains on file and on record in my office.

Copies of Bill No. Z-80-02-08 -- Zoning Map Ordinance No. Z-20-80 and Bill No. G-80-06-25 -- General Ordinance No. G-11-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

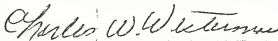
- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-80-02-08 -- Zoning Map Ordinance No. Z-20-80 and Bill No. G-80-06-25 -- General Ordinance No. G-11-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on July 15, 1980.


Charles W. Westerman
City Clerk

Fort Wayne Common Council

(Governmental Unit)

To **NEWS-SENTINEL** Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

66**2****68****COMPUTATION OF CHARGES**

68 lines, **1** columns wide equals **68** equivalent lines at **.253¢** **\$ 17.20**
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

6 extra**3.00****TOTAL AMOUNT OF CLAIM.****\$ 20.20****DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type **6** pointNumber of insertions **2**Size of quad upon which type is cast **6**

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date **July 22 80**, 19Title **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS:

General Ordinance No. G-97, by authorizing the vacation of a portion of Pennsylvania Street and amending General Ordinance No. G-93-80. I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-80-02-08 - Zoning Map Ordinance No. Z-20-80 - Bill No. G-80-06-25 - General Ordinance No. G-11-80, were passed by the Common Council on the 8th day of July, 1980, said Ordinances were signed and approved by the Mayor on the 9th day of July, 1980, and now remains on file and on record in my office.

**ATTACH C
ADVERTISE**

Copies of Bill No. Z-80-02-08 - Zoning Map Ordinance No. Z-20-80 and Bill No. G-80-06-25 - General Ordinance No. G-11-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:
(1) The main floor lobby of the City-County Building.
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.
(3) The bulletin board in the lobby at the East door of the Allen County Court House.

Copies of Bill No. Z-80-02-08 - Zoning Map Ordinance No. Z-20-80 and Bill No. G-80-06-25 - General Ordinance No. G-11-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:
(1) Reference Room in the north end of the main floor in said Downtown Public Library.
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordi-

Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-08 - Zoning Map Ordinance No. Z-20-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-15 & J-19.

Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-06-25 - General Ordinance No. G-11-80, being AN ORDINANCE amending Gen-

I, **D. Roose**, a notary public in and for said county and state, the **D. Roose** who, being duly sworn, says that the foregoing is a true and correct copy of the original as the same appears in the designated places as stated on July 15, 1980.

NEWS-SENTINEL**DAILY**newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**and county aforesaid, and that the printed matter attached hereto is a true copy, duly published in said paper for **two times**, the dates of publication being**7/15 - 7/22/80**and sworn to before me this **22 nd** day of **July**, 19 **80**Commission expires **September 28, 1983**

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

66**2****68**

COMPUTATION OF CHARGES

68 lines, **1** columns wide equals **68** equivalent lines at **.2534** \$ **17.20**
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) **6 extra** **3.00**

TOTAL AMOUNT OF CLAIM.

\$ **20.20**

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type **6** pointNumber of insertions **2**Size of quad upon which type is cast **6**

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

July 22 80Date **July 22 19 80**Title **CLERK**

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned **D. Roose** who, being duly sworn, says that she is **CLERK** of the

NEWS-SENTINEL**DAILY**

a. **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows:

7/15 - 7/22/80Subscribed and sworn to before me this **22 nd** day of **July**, 19 **80**

My commission expires

September 28, 1983

Notary Public

ATTACH
ADVERTISE

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Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-08 - Zoning Map Ordinance No. 2-20-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-15 & J-19

Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-06-2 - General Ordinance No. G-11-80, being AN ORDINANCE amending Gen-

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Fort Wayne Common Council

(Governmental Unit)

To... JOURNAL-GAZETTE Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	_____
Head number of lines	_____
Body number of lines	66
Tail number of lines	2
Total number of lines in notice	68

COMPUTATION OF CHARGES

68 lines, 1 columns wide equals 68 equivalent lines at .253¢ cents per line	\$ 17.20
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	_____
Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra	3.00
TOTAL AMOUNT OF CLAIM.	\$ 20.20

DATA FOR COMPUTING COST

Width of single column 9.6 picas	Size of type 6 point
Number of insertions 2	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-08 - Zoning Map Ordinance No. Z-20-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-15 & J-19

Date _____

Notice is hereby given that on the 8th day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-06-2 - General Ordinance No. G-11-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Pennsylvania Street and amending General Ordinance No. G-03-80

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-80-02-08 - Zoning Map Ordinance No. Z-20-80 - Bill No. G-80-06-25 - General Ordinance No. G-11-80, were passed by the Common Council on the 8th day of July, 1980, said Ordinances were signed and approved by the Mayor on the 9th day of July, 1980, and now remains on file and on record in my office.

Copies of Bill No. Z-80-02-08 - Zoning Map Ordinance No. Z-20-80 and Bill No. G-80-06-25 General Ordinance No. G-11-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building.

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

(3) The bulletin board in the lobby at the East door of the Allen County Court House.

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(1) Reference Room in the north end of the main floor in said Downtown Public Library.

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

CHARLES W. WESTERMAN

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on July 15, 1980.

CHARLES W. WESTERMAN

City Clerk

Arvilla DeWald

Title... CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned... ARVILLA DEWALD... who, being duly sworn, says that she is... CLERK... of the

JOURNAL-GAZETTE
DAILY... newspaper of general circulation printed and published in the English language in the city of FORT WAYNE INDIANA town of

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for... two times... the dates of publication being as follows:

7/15 - 7/22/80

Subscribed and sworn to before me this 22 nd day of July 19 80

My commission expires... September 28, 1983

Notary Public

Fort Wayne Common Council

To JOURNAL-GAZETTE Dr.

(Governmental Unit)

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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66

2

68

COMPUTATION OF CHARGES

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cents per line

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Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00

TOTAL AMOUNT OF CLAIM. \$20.20

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla Dewald

Date July 22, 1980

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town of

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

7/15 - 7/22/80

Subscribed and sworn to before me this 22 nd day of July 19 80

My commission expires September 28, 1983

Notary Public

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Copies of Bill No. 2-80-08 - Zoning Map Ordinance No. 2-30-80 and Bill No. G-80-03 - General Ordinance No. G-11-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City County Building.

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

(3) The bulletin board in the lobby at the East door of the Allen County Court House.

Copies of Bill No. 2-80-08 - Zoning Map Ordinance No. 2-30-80 and Bill No. G-80-03 - General Ordinance No. G-11-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) Reference Room in the north end of the main floor in said Downtown Public Library.

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, filed and posted the above ordinances in the designated places as stated on July 15, 1980.

CHARLES W. WESTERMAN
City Clerk

7-15-22